

offering group health insurance coverage may with respect to a participant or beneficiary impose a preexisting condition exclusion only if—

"(1) such exclusion relates to a condition (whether physical or mental) regardless of the cause of the condition for which medical advice, diagnosis, care, or treatment was recommended or received within the 6-month period ending on the enrollment date;

"(2) such exclusion extends for a period of not more than 12 months (or 18 months in the case of a late enrollee) after the enrollment date; and

"(3) the period of any such preexisting condition exclusion is reduced by the aggregate of the periods of creditable coverage (if any, as defined in subsection (c)(1)) applicable to the participant or beneficiary as of the enrollment date.

"(b) DEFINITIONS.—For purposes of this part—

"(1) PREEXISTING CONDITION EXCLUSION.—

"(A) IN GENERAL.—The term 'preexisting condition exclusion' means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date.

"(B) TREATMENT OF GENETIC INFORMATION.—

Genetic information shall not be treated as a condition described in subsection (a)(1) in the absence of a diagnosis of the condition related to such information.

"(2) ENROLLMENT DATE.—The term

'enrollment date' means with respect to an individual covered under a group health plan or health insurance coverage, the date of enrollment of the individual in the plan or coverage or, if earlier, the first day of the waiting period for such enrollment.

"(3) LATE ENROLLEE.—The term 'late enrollee' means, with respect to coverage under a group health plan, a participant or beneficiary who enrolls under the plan other than during

"(A) the first period in which the individual is eligible to enroll under the plan; or

"(B) a special enrollment period under subsection

"(4) WAITING PERIOD.—The term 'waiting period' means, with respect to a group health plan and an individual who is a potential participant or beneficiary in the plan, the period

that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan.

(c) RULES RELATING TO CREDITING PREVIOUS COVERAGE

"(1) CREDITABLE COVERAGE DEFINED.—For purposes of this part, the term "creditable coverage" means, with respect to an individual, coverage of the individual under any of the following:

- "(A) A group health plan.
- "(B) Health insurance coverage.
- "(C) Part A or part B of title XVIII of the Social Security Act.
- "(D) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928.
- "(E) Chapter 55 of title 10, United States Code.